

CHAPTER NO. 56

HOUSE BILL NO. 2401

By Representatives Hill, Davis

Substituted for: Senate Bill No. 2383

By Senator Crowe

AN ACT relative to the creation and operation of state courts in the City of Johnson City and to repeal Chapter 4 of the Acts of 1891; as amended by Chapter 255 of the Acts of 1897; Chapter 303 of the Private Acts of 1921; Chapter 408 of the Private Acts of 1923 and Chapter 697 of the Private Acts of 1925; and any other acts amendatory thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 4 of the Acts of 1891; as amended by Chapter 255 of the Acts of 1897; Chapter 303 of the Private Acts of 1921; Chapter 408 of the Private Acts of 1923 and Chapter 697 of the Private Acts of 1925; and any other acts amendatory thereto is repealed in its entirety.

SECTION 2. The Ninth Civil District of Washington County shall constitute a division of the First Judicial District, and the court may be held at the City of Johnson City, by the Chancellor of the First Judicial District, on the first Mondays of June and December of each and every year.

SECTION 3. The Clerk and Master of the Chancery Court of Washington County shall be the Clerk and Master of the Chancery Court when holding court at Johnson City, and if a courthouse is erected and operated in the City of Johnson City, then such Clerk and Master or a deputy shall keep an office in the City of Johnson City for the transaction of all business pertaining to said court, and shall keep the same open constantly, and shall have and exercise all powers, and receive all fees and emoluments that are common to all Clerk and Masters of the Chancery Courts of this State.

SECTION 4. The Sheriff of Washington County and his deputies shall serve as officers of Chancery Court when holding court at Johnson City, and shall obey all orders, and execute all process as now required by law to do, by the orders of said Chancery Court for the First Judicial District holding session at Johnson City and shall attend the sittings of said court, and such sheriff or a deputy shall perform all the duties pertaining to said Chancery Court, and have all the fees and emoluments that are now allowed by law for the various sheriffs of this State.

SECTION 5. All fines and forfeitures arising or growing out of any business in said court shall be disposed of as the fines and forfeitures which are now collected in the Chancery Courts of this State.

SECTION 6. If by resolution, the local legislative body of Washington County provides for the operation of a courthouse in Johnson City, any suits now pending or hereafter brought in the Chancery Court for First Judicial District holding session at Jonesborough may, by consent of parties, be transferred to any courthouse operated in the City of Johnson City and the Judges of the First Judicial District may hold court in said courthouse in the City of Johnson City. Upon application of the parties for transfer, as aforesaid, the Clerk and Master shall transmit all papers in the case, together with a copy of all orders and decrees, to be filed in the Chancery Court of the First Judicial District at Johnson City, and also a bill of costs accrued in the Chancery Court. Nothing in this Act shall be construed to require the operation of a courthouse in Johnson City, nor shall this Act be construed to prohibit the county legislative body, by resolution, from closing any courthouse or ancillary offices in the City of Johnson City.

SECTION 7. If the county legislative body elects not to operate a courthouse in Johnson City, then any suit or suits of a civil nature, then pending in the Chancery Court of the First Judicial District at Johnson City shall be transferred to the Chancery Court of the First Judicial District being held at the county seat of Washington County and said court shall have and exercise the same jurisdiction over them as if they had been originally brought in said Chancery Court.

SECTION 8. As an alternative to bringing their suits in equity in the Chancery Court of the First Judicial District at Jonesborough, the citizens of the Eighth, Tenth, Eleventh and Twelfth Civil Districts of Washington County may bring their suits in equity in the Chancery Court for the First Judicial District at Johnson City, against any citizens residing within said Civil Districts, but no citizen who does not reside in the Eighth, Tenth or Eleventh Civil Districts shall be sued in said courts, unless the subject-matter of the suit is situated in those Civil Districts.

SECTION 9. Counterparts of writs may issue from said court, against joint defendants residing or living beyond the limits of the Ninth Civil District, in all cases where the court has the legal or rightful jurisdiction of the subject-matter of the litigation.

SECTION 10. A Law Court is hereby created in the City of Johnson for the Ninth Civil District of Washington County, to be called the Law Court of Johnson City, and to constitute one of the courts of the First Judicial District. The judge of the Law Court shall exercise common law jurisdiction concurrent with the Circuit Court of the First Judicial District in Jonesborough, original and appellate, over all causes of a civil nature arising within the Ninth Civil District.

SECTION 11. The citizens of the Eighth, Tenth, Eleventh, and Twelfth Districts of Washington County may bring their actions in such Law Court against citizens of the Eighth, Ninth, Tenth, Eleventh and Twelfth Districts of Washington County, if they so desire, and the Law Court shall have and exercise concurrent jurisdiction with the Circuit Court over the same, as if all the parties resided in the Ninth Civil District. All civil causes heard and determined before any justice or justices of the peace of the Eighth, Ninth, Tenth, Eleventh and Twelfth Civil Districts may be appealed or brought up by writs of certiorari to the Law Court; provided the plaintiff or defendant resides in the Eighth, Ninth, Tenth, Eleventh or Twelfth Districts, and either of them demand such appeal or writs of certiorari. In all such cases, the Law Court shall have and exercise concurrent jurisdiction with the Circuit Court, as if they had been heard and determined by a justice or justices of the Ninth Civil District, and between citizens of the Ninth Civil District.

SECTION 12. The citizens of Washington County, residing outside of the Eighth, Ninth, Tenth, Eleventh or Twelfth Civil Districts, shall not be liable to be sued in the Law Court of Johnson City, unless in real actions, of which the Law Court shall have concurrent jurisdiction with the Circuit Court of the First Judicial District holding session at Jonesborough. However, in any civil action, unless the cause of action is of such a local nature as to give the Circuit Court of the First Judicial District holding session at Jonesborough peculiar or exclusive jurisdiction in all cases, as provided for in this section, any defendant residing outside of such Civil Districts may waive such defendant's rights and have the suit returned to the Law Court, notwithstanding the process issued from and is returnable to the Circuit Court of the First Judicial District holding session at Jonesborough. When such a waiver occurs, the Law Court shall have and exercise jurisdiction over the defendants, as if the same had been brought by citizens of the Ninth Civil District of Washington County against citizens of the same districts. Nothing in this Act shall be construed to require the operation of a courthouse in the City of Johnson City, nor shall this Act be construed to prohibit the county legislative body, by resolution, from closing any courthouse or ancillary offices in the City of Johnson City.

SECTION 13. If a courthouse is erected and operated in the City of Johnson City, then the Law Court of Johnson City shall be held by the judges of the First Judicial Circuit who shall have and exercise all powers and perform all the duties provided by law for the Circuit Judges of this state, and the practice in the Law Court shall be the same as in the Circuit Courts of this state. When the Law Court has concurrent jurisdiction over any cause of action counterpart thereof, any original writs may issue from the courts, for joint-defendants residing outside of the Eighth, Ninth, Tenth, Eleventh and Twelfth Districts.

SECTION 14. The Sheriff of Washington County or the sheriff's deputy shall attend to sittings of the Law Court, and aid in holding the same as now provided by law for sheriffs of this state, requiring them to be present and discharge certain duties, and said sheriff or the sheriff's deputy shall perform all the duties pertaining to the Law Court, and have all the fees and emoluments that are now allowed by law to sheriffs of this state.

SECTION 15. If a courthouse is erected and operated in the City of Johnson City, the Clerk of the Circuit Court of Washington County shall be the clerk of the Law Court of Johnson City, and such clerk or a deputy shall keep an office in the City of Johnson City for the transaction of all business pertaining to the Law Court so long as court is held in the City of Johnson City, and shall keep the same open constantly, and shall have and exercise all powers, and receive all fees and emoluments that are common to all clerks of the Circuit Courts of this State.

SECTION 16. Any suit or suits of a civil nature, now pending in the Circuit Court of Washington County, between citizens of the Eighth, Ninth, Tenth, Eleventh or Twelfth Civil Districts, may, by consent of parties, or their attorneys, be transferred to the Law Court of Johnson City, and such court shall have and exercise the same jurisdiction over them as if they had been originally brought in the Law Court. All fines and forfeitures arising from or growing out of the Law Court, shall be disposed of as the fines and forfeitures which are now imposed by the Circuit Court of the First Judicial District holding session at Jonesborough.

SECTION 17. If the county legislative body elects not to operate a courthouse in the City of Johnson City, any suit or suits of a civil nature, then pending in the Law Court of Johnson City shall be transferred to the Circuit Court of the First Judicial District holding session at Jonesborough and such court shall have and exercise the same jurisdiction over them as if they had been originally brought in the Circuit Court.

SECTION 18. Nothing in this Act shall be construed to require the operation of a courthouse in the City of Johnson City, nor shall this Act be construed to prohibit the county legislative body, by resolution, from closing any courthouse or ancillary offices in the City of Johnson City.

SECTION 19. That this Act shall stand as a whole, with the exception of Section 1 of this Act. It is the intent of the legislature that no provision of this Act shall be deemed to be separable from any other provision of this Act, except for Section 1 of this Act. If any section or provision of this Act is held to be invalid, that section or provision shall not be interpreted as capable of elision while maintaining other sections or provisions of this Act, except for Section 1 of this Act. Any omission or invalidation of any section or provision of this Act will leave an incomplete statute, and the entire Act shall be held as void in this case, except for Section 1 of this Act, the validity of which is completely independent from any other section or provision of this Act.

SECTION 20. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Washington County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by the presiding officer of the county legislative body to the Secretary of State.

SECTION 21. For the purpose of approving or rejecting the provisions of this Act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided by SECTION 20.

PASSED: May 11, 2005


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of May 2005


PHIL BREDESEN, GOVERNOR